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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.167 OF 2008
WITH
WRIT PETITION (A.S.) NO.9387 OF 2007

Jayesh D. Jhaveri (HUF) Petitioner
versus
The Secretary, Khusman Chs. Ltd. Respondent

WITH
WRIT PETITION NO.168 OF 2008
WITH
WRIT PETITION (A.S.) NO.9388 OF 2007

Jayesh D. Jhaveri (HUF) Petitioner
versus
The Secretary, Khusman Chs. Ltd. Respondent

Mr.U.R.Mankapure for petitioner.

I.R.Ladiwala for respondent no.4.

R.J.Mane, AGP for respondents 1 and 3.

CORAM : A.M.KHANWILKAR, J.

DATE : 07th February 2008

PC :

1. Heard counsel for the parties. Counsel appearing for the respondent has raised preliminary objection regarding entertaining these writ petitions after dismissal of Writ Petition Nos.6863 of 2007 and 6857 of 2007 filed

by the petitioner before this Court questioning the appropriateness of the order passed by the Appellate Court in Review Application Nos.14/2006 and 15/2006 respectively dated 11th September 2006.

2. It is not in dispute that the said review application was filed by the petitioner against the judgement and order passed by the Appellate Court dated 8th August 2006 and on Appeal Nos.78 of 2006 and 79 of 2006 which decisions have now been made subject matter of present writ petitions. I find force in the submission canvassed on behalf of the respondent that in view of dismissal of the earlier writ petitions filed by the petitioner against the order passed on review, though, the petitioner cannot be permitted to urge the same grounds which were pressed into service for consideration of the review application and are overlapping to decide the correctness of the main judgement, which is now assailed in the present writ petition dated 8th August 2006. It is not in dispute that while dismissing the earlier writ petitions filed by the petitioner, the petitioner did not avail of any liberty from this Court to file further writ petition challenging the main judgement. The

MST

argument of the petitioner that the review application raises only two specific grounds and not the merits of the contentions available to challenge the decision dated 8th August 2006, will have to be stated only to be rejected. If certain grounds were available to the petitioner to be raised in the review application which are similar to the grounds while challenging the order dated 8th August 2006 and if the petitioner has failed to raise the grounds, the petitioner cannot be permitted to reagitate those grounds by way of separate writ petitions in the guise of having challenged only the main order dated 8th August 2006 in the present petition. As aforesaid, in absence of any liberty given to the petitioner leaving all contentions available to the petitioner open to be agitated by way of fresh writ petition, the question of entertain present writ petitions does not arise. Hence, these writ petitions deserve to be dismissed on this ground alone. Ordered accordingly.

(A.M.KHANWILKAR, J.)